

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

=====X
SOPHIA P. PERNA,

Plaintiff,

Docket No. _____

- against -

SACRED HEART UNIVERSITY, INCORPORATED,

Defendant.

=====X

COMPLAINT

Plaintiff, by her attorneys, **KLEIN & FOLCHETTI, P.C.**, complaining of the defendant herein, respectfully allege the following:

PARTIES

1. That at all times herein mentioned, plaintiff was and still is a citizen of the United States of America, and is a resident of the County of Putnam, State of New York.

2. That upon information and belief, and at all times herein mentioned, defendant **SACRED HEART UNIVERSITY, INCORPORATED**, was and still is a corporation organized and existing by virtue of the laws of the State of Connecticut, and with its principal place of business in the Town of Fairfield, County of Fairfield, State of Connecticut.

JURISDICTIONAL ALLEGATIONS

3. That the jurisdiction properly lies in the United States District Court by virtue of the diversity of citizenship of the plaintiffs and the defendant, as set forth in Title 28

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U.S.C. §1332.

4. That the amount in controversy, exclusive of costs and interest, is in excess of the sum of **SEVENTY-FIVE THOUSAND and 00/100 DOLLARS (\$75,000.00)**.

JURY DEMAND

5. The plaintiff demands that this case be tried to a jury.

AS AND FOR A CAUSE OF ACTION: COMMON-LAW NEGLIGENCE

6. That upon information and belief, and at all times herein mentioned, and more specifically on April 14, 2019, and prior thereto, the defendant herein was the owner, occupant, lessee and/or tenant of a certain piece of real property, including the buildings and improvements thereon, located 5151 Park Avenue, in the Town of Fairfield, County of Fairfield, State of Connecticut.

7. That upon information and belief, and at all times herein mentioned, and more specifically on April 14, 2019, and prior thereto, the defendant herein owned, controlled, occupied, operated, supervised, managed and maintained the aforesaid premises as a college campus, specifically known as Sacred Heart University.

8. That upon information and belief, and at all times herein mentioned, and more specifically on April 14, 2019, and prior thereto, the defendant invited registered students and others to the aforesaid premises.

9. That upon information and belief, and at all times herein mentioned, and more specifically on April 14, 2019, and prior thereto, the defendant controlled, occupied, operated, supervised, managed and/or maintained the aforesaid Sacred Heart University.

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10. That upon information and belief, and at all times herein mentioned, and more specifically on April 14, 2019, plaintiff **SOPHIA P. PERNA** was a registered student at Sacred Heart University and resided in the dormitory on campus known and referred to as “JHill.”

11. That upon information and belief, and at all times herein mentioned, and more specifically on April 14, 2019, at the time of the complained of events, plaintiff **SOPHIA P. PERNA** was lawfully present upon the aforesaid premises, having been invited by the defendant.

12. That upon information and belief, and at all times herein mentioned, and more specifically on April 14, 2019, at approximately 12:30 in the morning, and prior thereto, the driveway area of the residence hall known and referred to as “JHill” of the aforesaid Sacred Heart University campus, was in a dangerous, defective and hazardous condition

13. That upon information and belief, and at all times herein mentioned, and more specifically on April 14, 2019, at approximately 12:30 in the morning, and prior thereto, the defendant herein, their agents, servants and/or employees, knew, or in the exercise of reasonable care, should have known of the aforesaid dangerous, defective and hazardous condition.

14. That upon information and belief, and at all times herein mentioned, and more specifically on April 14, 2019, at approximately 12:30 in the morning, and prior thereto, the defendant herein and/or its agents, servants and/or employees, caused,

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created and/or contributed to the aforesaid dangerous, defective and hazardous condition.

15. That on or about April 14, 2019, at or about 12:30 in the morning, plaintiff **SOPHIA P. PERNA**, while present at the aforesaid Sacred Heart University, did have the need and occasion to traverse the driveway area outside of the dormitory known and referred to as “JHill.”

16. That at all times herein mentioned and more specifically on or about April 14, 2019, at or about 12:30 in the morning, plaintiff **SOPHIA P. PERNA**, while present at the aforesaid premises, was conducting herself in a safe, careful and prudent manner.

17. That on or about April 14, 2019, at or about 12:30 in the morning, and solely by reason of the carelessness, negligence, recklessness, fault, imprudence and other culpable conduct of the defendant herein, plaintiff **SOPHIA P. PERNA**, while traversing the driveway area outside of the dormitory known and referred to as “JHill,” was caused was caused to trip over a chain suspended across the aforesaid driveway, and fall and be violently precipitated down to the ground, sustaining the injuries hereinafter alleged.

18. That solely by reason of the carelessness, negligence, recklessness, fault, imprudence and other culpable conduct of the defendant herein, plaintiff **SOPHIA P. PERNA** was caused to suffer serious, severe and permanent personal injuries, all without any fault or culpable conduct on the part of the plaintiff contributing thereto.

19. That plaintiff **SOPHIA P. PERNA** in no way caused or contributed to her injuries or to the events and circumstances leading thereto, and that, at all relevant times, the plaintiff conducted herself in a safe, careful, prudent and judicious manner.

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20. That by reason of all of the foregoing, and solely as a result of the carelessness, negligence, recklessness, fault, imprudence and other culpable conduct of the defendant herein, plaintiff **SOPHIA P. PERNA** has suffered damage and injury and demands judgment against the defendant in a sum to be determined by the trier of fact of this action, and in no event to exceed the sum of **ONE MILLION DOLLARS ONE HUNDRED THOUSAND (\$1,100,000.00)**.

WHEREFORE, the plaintiffs demand judgment against the defendant, as follows:

- a) On the Cause of Action on behalf of plaintiff **SOPHIA P. PERNA**, a sum to be determined by the trier of fact of this action, and in no event to exceed the sum of **ONE MILLION DOLLARS ONE HUNDRED THOUSAND (\$1,100,000.00)**; and
- b) Together with the costs and disbursements of this action, and such other and further relief which, to this Court, may seem just and proper.

Dated: Brewster, New York
March 21, 2022

KLEIN & FOLCHETTI, P.C.
Attorneys for Plaintiff



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